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9/24/2015 8:54:56 A  
Esther Degollac  
District Clerk  
Webb County  
Esmeralda Alvarado  
2015CVT003118D

CAUSE NO:

2015 CVT  
318 D 3

IN THE DISTRICT COURT

RUBI RODRIGUEZ AND  
PETRA LUNA RODRIGUEZ  
Plaintiffs,

v.

CON-WAY TRUCKLOAD INC. AND  
JOE EDWARD RAPER  
Defendants.

341st  
JUDICIAL DISTRICT

WEBB COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES RUBI RODRIGUEZ AND PETRA LUNA RODRIGUEZ, hereinafter called Plaintiffs, complaining of and about CON-WAY TRUCKLOAD INC. AND JOE EDWARD RAPER, hereinafter called Defendants, and for cause of action would respectfully show unto the Court the following:

A. DISCOVERY CONTROL PLAN

1. Plaintiffs intend that discovery be conducted under Level 1 of Rule 190.2 of the Texas Rules of Civil Procedure.

B. PARTIES AND SERVICE

2. Plaintiff, RUBI RODRIGUEZ, is an individual who resides in Webb County, Texas. The last three digits of Plaintiff's social security number are 286 and the last three digits of Plaintiff's Texas driver's license number are 469.

3. Plaintiff, PETRA LUNA RODRIGUEZ, is an individual who resides in Bexar County, Texas. Plaintiff, PETRA LUNA RODRIGUEZ, does not have a social security and has a Mexican driver's license.

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Plaintiffs' Original Petition - Page 1 of 5

EXHIBIT

A

4. Defendant, CON-WAY TRUCKLOAD INC, is a company doing business in Webb County, Texas and may be served with process at its registered agent's address: Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> Street, Suite 620 Austin, TX 78701-3218.
5. Defendant, JOE EDWARD RAPER is an individual who resides in Monroe, County Tennessee and may be served with process through his employer at its registered agent's address: Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> Street, Suite 620 Austin, TX 78701-3218.

#### C. JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.
7. This court has jurisdiction over Defendant, CON-WAY TRUCKLOAD INC. AND JOE EDWARD RAPER, because said incident occurred in Webb County, Texas and the Defendant resides in Monroe County, Tennessee.
8. Venue in Webb County is proper in this cause.

#### D. FACTS

On or about July 25, 2014, a motor vehicle collision involving Plaintiffs' and Defendant occurred as follows: Plaintiff, RUBI RODRIGUEZ, was operating a vehicle traveling northbound on 14400 block of FM 1472 in Laredo, Webb County, Texas. Plaintiff, PETRA LUNA - RODRIGUEZ was a passenger in the vehicle driven by RUBI RODRIGUEZ. Defendant, JOE EDWARD RAPER, was towing a motor vehicle traveling northbound on 14400 block of FM 1472 behind Plaintiffs' vehicle. Defendant, JOE EDWARD RAPER, allowed the vehicle he was towing

to coast backward after having stopped at a light causing a collision with the front of Plaintiffs' vehicle.

As a direct and proximate result of the collision Plaintiffs suffered physical injuries and resulting damages in an amount in excess of the minimum jurisdictional limits of this court.

E. PLAINTIFFS' CLAIMS OF NEGLIGENCE  
AGAINST CON-WAY TRUCKLOAD INC.

9. Defendant, CON-WAY TRUCKLOAD INC. is responsible to the Plaintiffs for the negligent acts of its employee Defendant, JOE EDWARD RAPER, which were a proximate cause of the collision, and Plaintiff's injuries and damages under the doctrine of respondeat superior.

F. PLAINTIFFS' CLAIMS OF NEGLIGENCE  
AGAINST JOE EDWARD RAPER

10. Defendant, JOE EDWARD RAPER had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

11. Plaintiffs' injuries were proximately caused by Defendant's negligent disregard of said duty.

12. Defendant, JOE EDWARD RAPER, committed various acts and/or omissions of negligence, which were the proximate cause of the collision in question. These acts and/or omissions of negligence include but are not limited to the following:

- a. Failing to keep a proper lookout;
- b. Failing to properly control a vehicle while being towed;
- c. Failing the duty to maintain a safe distance between two vehicles, in violation of the provisions of Tex. Transp. Code Ann § 545.062(a);

- d. Failing to make a timely and proper application of his brakes; and
- e. Driver inattention.

Each of the above acts and/or omissions, singularly or in combination with others, was negligent. Such negligent acts or failure to act proximately caused the collision made the basis of this lawsuit and Plaintiff's injuries and damages as described below.

#### G. DAMAGES

13. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiffs' suffered personal injuries, and was caused to incur the following damages:

- a. Reasonable medical care and expenses in the past. Plaintiffs' incurred these expenses for the necessary care and treatment of the injuries resulting from the incident complained of herein and such charges are reasonable and were usual and customary charges for such services in Webb & Bexar County, Texas;
- b. Reasonable and necessary medical care and expenses, which will in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering in the future;
- e. Mental anguish in the past;
- e. Mental anguish in the future;
- g. Inconvenience in the past and future; and
- h. Loss of personal property.

#### H. JURY TRIAL

14. Plaintiffs hereby demand a trial by jury.

I. RULE 193.7 NOTICE

15. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiffs hereby give notice that all documents produced by any party to this case will be used at any pretrial proceeding or at the trial of this matter.

J. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon final hearing hereof, Plaintiffs have judgment against the Defendants in monetary relief less than \$100,000.00 as will compensate Plaintiffs, RUBI RODRIGUEZ AND PETRA LUNA RODRIGUEZ, for their losses and damages as stated above, together with interest, both pre and post-judgment; all costs of court, and such other and further relief, both general and special, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

CHRIS PETTIT & ASSOCIATES, P.C.  
11902 Rustic Lane  
San Antonio, Texas 78230  
210-732-8300 Telephone  
210-877-2544 Fax

By: 

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ATTORNEYS FOR PLAINTIFFS,  
RUBI RODRIGUEZ AND  
PETRA LUNA RODRIGUEZ



**HONORABLE BECKIE PALOMO**

State District Court Judge  
341<sup>st</sup> JUDICIAL DISTRICT OF TEXAS  
WEBB COUNTY JUSTICE CENTER  
1110 Victoria Street, Suite 302  
Laredo, Texas 78040-4439

**CIVIL CASE – CALENDAR CALL SETTINGS**

RE: CAUSE NO: 2015CVT003118 D3

STYLE: RUBI RODRIGUEZ

VS

CON-WAY TRUCKLOAD INC

NOTICE that this case IS SET FOR CALENDAR CALL on 11/30/2015,  
at 1:30 PM at the 341st District Courtroom, 3<sup>rd</sup> floor, Webb County Justice Center.

Calendar Call hearings will be in open Court and on the record before JUDGE BECKIE PALOMO.  
Your presence is **MANDATORY** unless Counsel for Plaintiff(s) file a Joint Pre-Trial Guideline Order  
(PTGO) with all counsels signatures on the PTGO.

You may download the PTGO at our website:  
[http://www.webbcountytx.gov/DC341st/Links/civ\\_Jury%20PTGO.pdf](http://www.webbcountytx.gov/DC341st/Links/civ_Jury%20PTGO.pdf)

Counsel for Plaintiff(s): if you do not appear for calendar call, your case may be dismissed for lack of prosecution.

Counsel for Defendant(s): if you do not appear for calendar call, a pre-trial guideline order may be  
entered with or without your approval and/or signature.

Call the court for jury selection dates and pre-trial hearing dates. Keep in mind jury selection must be set  
within the timeframes recommended by the Texas Supreme Court.

If there are any questions regarding this matter please feel free to call the court at the number below.

A handwritten signature in cursive script, appearing to read "Magdalena Martinez".

Magdalena Martinez  
Civil Court Coordinator  
(956)523-4328

DC: 



## Photos of Claimant Vehicle

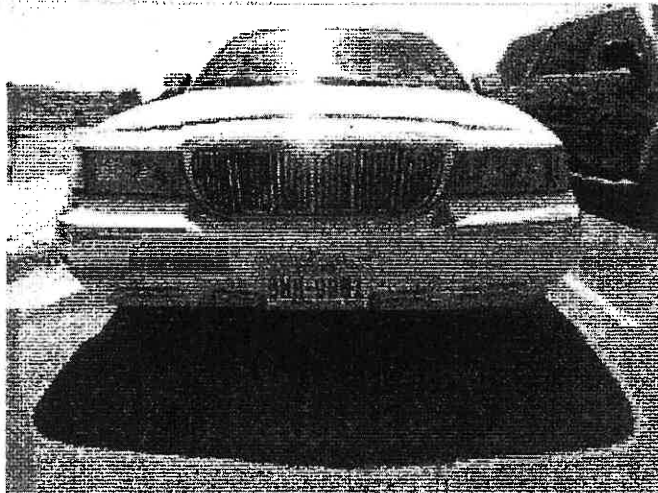
The Littleton Group  
1250 Capital of Texas Highway Bldg. 1, Ste 550  
Austin, Texas  
United States 78746

Claim Number: LG67837  
Insured: Con-Way Truckload

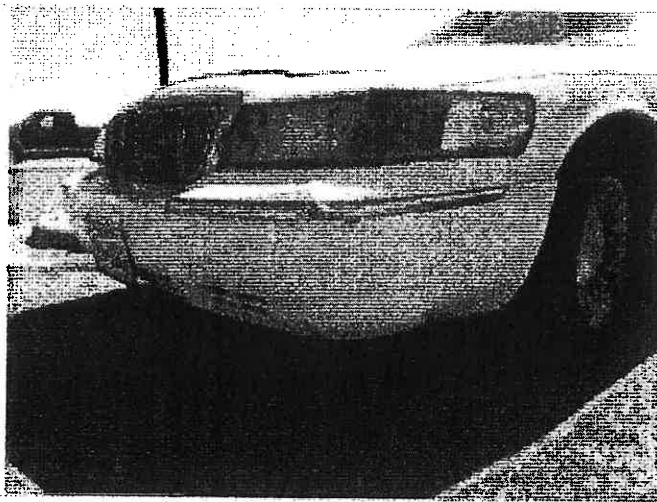
Your Claim Number: 2014071892  
Policy Number: Not Given



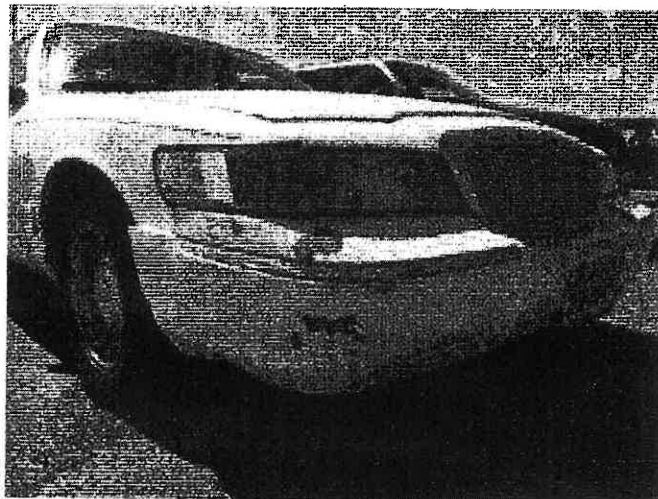
Right front of claimant vehicle



Front end

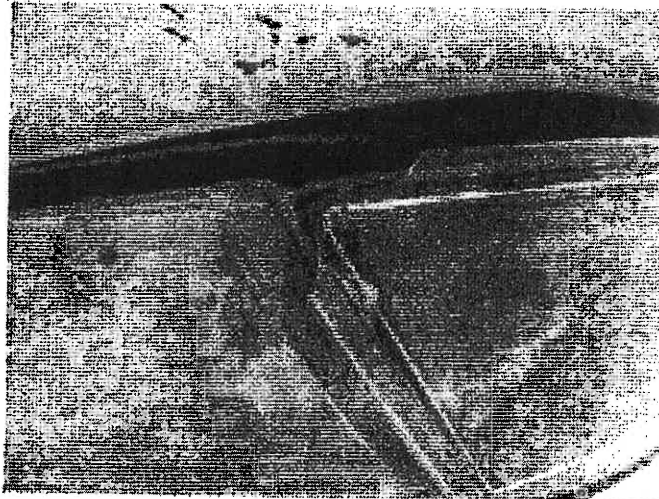


Close up view

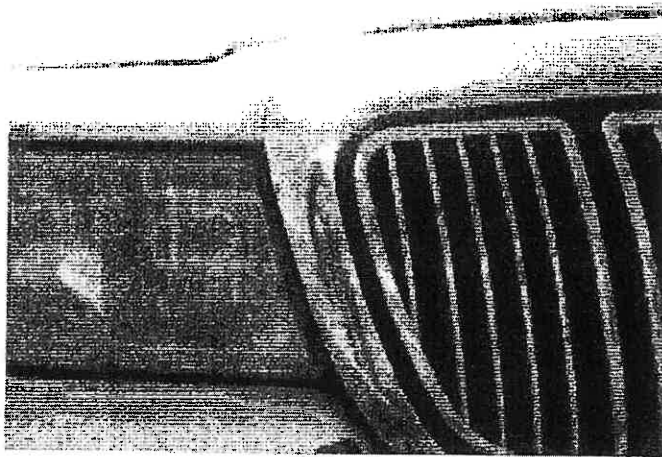


Damage





Damages



Damages